

**IN THE CIRCUIT COURT FOR THE FOURTEENTH JUDICIAL DISTRICT
MANCHESTER, COFFEE COUNTY, TENNESSEE**

DEBBIE JERNIGAN,

Plaintiff,

vs.

**WHEELER REAL ESTATE
INVESTMENT TRUST, INC.
and WHLR – Forrest Gallery, LLC,**

Defendants.

Case No.

44765

FILED

JAN 22 2018

CIRCUIT COURT
COFFEE COUNTY, TN
HEATHER HINDS DUNCAN, CLERK
TIME _____ AM/PM

COMPLAINT

Comes the plaintiff, DEBBIE JERNIGAN, by and through counsel, and would show unto this Honorable court the following:

1. The plaintiff, DEBBIE JERNIGAN, is a citizen and resident of Coffee County, Tennessee.
2. The defendant, WHEELER REAL ESTATE INVESTMENT TRUST, INC., is a foreign corporation licensed to do business in the State of Tennessee whose registered agent for service of process is National Corporate Research, Ltd., Inc., 992 Davidson Drive, Suite B, Nashville, Tennessee, 37205-1051, is the management company and owner of Forrest Gallery, 1905 North Jackson Street, Tullahoma, Tennessee, 37388.
3. The defendant, WHLR – Forrest Gallery, LLC, is a foreign corporation licensed to do business in the State of Tennessee whose registered agent for service of process is National Corporate Research, Ltd., Inc., 992 Davidson Drive, Suite B, Nashville, Tennessee, 37205-1051, is the management company and owner of Forrest Gallery, 1905 North Jackson Street, Tullahoma, Tennessee, 37388.

4. On June 11, 2017, the plaintiff, DEBBIE JERNIGAN, exited the Peebles store located at 1905 North Jackson Street, Tullahoma, Tennessee, with her arms full of packages. As she left the store, walking into the parking lot, she was using the designated crosswalk. The crosswalk and the parking lot were owned and maintained by the Defendants. While walking in the crosswalk to her vehicle, the Defendant stepped into a pothole causing her to fall to the ground. The fall resulted in her right shoulder being fractured.

5. The Defendants were negligent in failing to maintain its parking lot and particularly the crosswalk where patrons could be expected to be walking with packages in hand, in a safe condition. It is foreseeable that a customer with her arms full of packages would be using the crosswalk. The Defendants had a duty to maintain that crosswalk and make it safe. The Defendants failed to perform that duty.

6. The proximate and factual cause of the Plaintiff's fall was the Defendants' negligence in maintaining its parking lot and crosswalk in a safe manner.

7. As a result of this incident, the Plaintiff has suffered serious injuries to her right shoulder. She has incurred substantial medical expenses while treating her injuries. She has lost the ability to enjoy certain things in life due to her injuries.

WHEREFORE, THE PLAINTIFF PRAYS THAT:

1. Proper process issue and be served upon the Defendants requiring them to appear and answer the averments contained herein.

2. Plaintiff, DEBBIE JERNIGAN, be awarded a judgment against the Defendants in the amount of \$100,000.00.

3. A jury of twelve be impaneled to try this cause of action.

4. For such other, further and general relief to which the Plaintiff may be entitled.

Respectfully submitted this 16th day of January, 2018.

BURCH & LOCKHART

By: 

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COST BOND

We go surety for costs not to exceed \$500.00

BURCH & LOCKHART 

By:

Eric J. Burch (#19320)
Attorney for Plaintiff